

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FORREST THOMAS MCCLAIN, JR.,

Plaintiff,

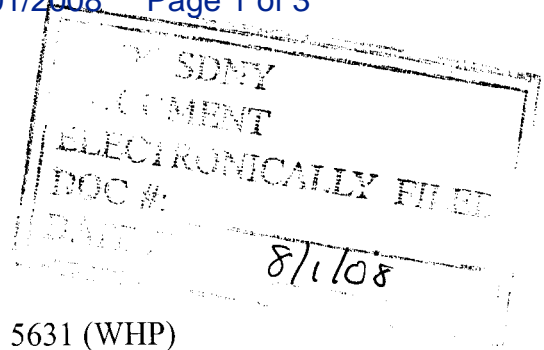
-against-

OFFICER NELSON, JR. et al,

Defendants.
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08 Civ. 5631 (WHP)

ORDER FOR INITIAL
PRETRIAL CONFERENCE



WILLIAM H. PAULEY III, District Judge:

This action has been assigned to District Judge William H. Pauley III for all purposes. Counsel are directed to appear in Courtroom 11D at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York on October 10, 2008 at 9:45 a.m. for an initial pretrial conference with the Court for the purpose of discussing settlement, exploring contemplated motions, stipulating facts, narrowing issues, fixing a discovery schedule, and setting a date for trial.

If you are proceeding pro se (without an attorney), you are required to appear personally at this conference. If you are incarcerated and do not have an attorney, you will be permitted to participate in the conference by telephone.

All counsel and pro se parties are further directed to confer with each other prior to the conference regarding all of the subjects to be considered pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and to file a written report outlining their discovery plan pursuant to that Rule. The written report must be filed at least seven (7) days prior to the initial pretrial conference with the Court. The parties shall send courtesy copies of that report and all

pleadings to the United States Courthouse, Chambers 2210, 500 Pearl Street, New York, New York, 10007.

If this case has been settled or otherwise terminated, the parties are not required to appear, provided that a stipulation of discontinuance, voluntary dismissal, or other proof of termination is received by Chambers prior to the date of the conference.

All conferences with the Court are scheduled for a specific time. There is no other matter scheduled for that time, and the parties are directed to appear promptly.

Requests for adjournment may be made only in a writing received not later than two business days before the conference. The written submission must: (a) specify the reasons for the adjournment; (b) state whether the other parties have consented; and (c) indicate times and dates on succeeding Fridays when all parties are available. Unless the parties are notified that the conference has been adjourned, it will be held as scheduled.

This Court advises the plaintiff that Rule 4(m) of the Federal Rules of Civil Procedure provides in part:

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

If the plaintiff does not file proof of service with the Clerk within the prescribed 120-day period, this Court will dismiss this action unless the plaintiff can demonstrate good cause for his failure to effect service.

This Court reminds plaintiff that the Pro Se Office is a valuable resource in assisting litigants, such as plaintiff, who proceed in federal court without the assistance of counsel. The Pro Se Office may be reached at:

Pro Se Clerk's Office
Southern District of New York
500 Pearl Street
New York, NY 10007
(212) 805-0175

You are directed to: (a) mail copies of this Order to all attorneys in this action and any parties who have not appeared through counsel; and (b) retain proof of such service. If you are unaware of the identity of counsel for any of the parties, then send a copy of the notice to that party personally.

Dated: July 28, 2008
New York, New York

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.

Copy mailed to:

Forrest Thomas McClain, Jr.
06-A-6602
South Port Corr. Fac.
P.O. Box 2000
Pine City, NY 14871
Plaintiff Pro Se